

ASSEMBLY BILL

No. 1844

Introduced by Assembly Member Gilmore

February 12, 2010

An act to add Section 2819 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1844, as introduced, Gilmore. Inmate labor: maintenance of prison grounds.

Existing law authorizes the Department of Corrections and Rehabilitation to cause prisoners in the state prisons to be employed in rendering services as may be needed. Existing law establishes the Prison Industry Authority and authorizes it to develop and operate industrial, agricultural, and services enterprises employing prisoners. Under existing law, the Secretary of the Department of Corrections and Rehabilitation is authorized to order any public works project involving the construction, renovation, or repair of prison facilities to be performed by inmate labor. Existing law provides for compensation for inmate services to be set by the secretary, or by the general manager of the Prison Industry Authority, as the case may be.

This bill would provide that, notwithstanding any other law, when unrestricted by contracts or contract cancellation penalties, the Department of Corrections and Rehabilitation may order the use of prisoners for the painting of prison facilities, for the maintenance of prison grounds, for gardening and agricultural activities to produce food for consumption within the prison system, and for similar activities. This bill would provide that inmates be compensated for this work at a rate ordinarily paid to inmates unless the labor is intended as a punishment.

This bill would state that it is the intent of the Legislature that the Department of Corrections and Rehabilitation develop a plan, by July 1, 2011, to significantly increase the proportion of inmates engaged in work activities.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) It is the intent of the Legislature that all prison
2 inmates, with the exception of those who are too sick, old, or
3 infirm, those in administrative segregation, and those posing a
4 serious security risk, shall perform work to defray the cost of their
5 incarceration.

6 (b) It is the intent of the Legislature that the Department of
7 Corrections and Rehabilitation, on or before July 1, 2011, develop
8 plans to significantly increase the proportion of prison inmates
9 engaged in work activities.

10 SEC. 2. Section 2819 is added to the Penal Code, to read:

11 2819. (a) Notwithstanding any other provision of law, and
12 upon the expiration of any bargaining unit agreement or agreements
13 to the contrary, or any contracts not subject to cancellation without
14 penalty, the Secretary of the Department of Corrections and
15 Rehabilitation may order the use of inmate labor for the painting
16 of prison facilities, for the maintenance of prison grounds, for
17 gardening and agricultural activities to produce food for
18 consumption within the prison system, and similar activities.

19 (b) Inmates employed pursuant to this section shall be paid the
20 rate ordinarily set for inmate labor of this kind, unless the labor is
21 intended as a punishment for a violation of prison rules.

22 (c) This section does not negate or impose additional conditions
23 on the use of inmate labor for any other purpose authorized by
24 law.